

Message Text

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ORIGIN OES-04

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FM SECSTATE WASHDC

TO AMEMBASSY TEL AVIV

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E.O. 11652: N/A

TAGS: TPHY, TGEN, OSCI, IS

SUBJECT:BSF - EMPLOYMENT REGULATIONS

REF: TEL AVIV 4300

FOR SCIATT

1. AT FEB BOARD OF GOVERNORS MEETING, MR. M. ARRANNE REPORTED ON THE BSF LEGAL STATUS NOTING THAT THE SUBMISSION OF THE BSF BILL (GIVING THE ORGANIZATION LEGAL ENTITY STATUS IN ISRAEL) TO THE KNESSET HAD BEEN TEMPORARILY DELAYED DUE TO A REQUEST BY MR. Y. NIZAN, CIVIL SVC COMMISSIONER OF ISRAEL, TO INSERT EMPLOYMENT REGULATIONS IN THE BILL. THE BOARD RECOMMENDED THAT THE REGULATIONS NOT BE AN INTEGRAL PART OF THE BILL, BUT BE IN THE FORM OF AN EXCHANGE OF LETTERS BETWEEN THE BOARD CHAIRMAN AND MR. NIZAM.

2. DEPT. SHARES EMBASSY'S CONCERN THAT BSF RETAIN ITS BINATIONAL CHARACTER, A POINT WE HAVE EMPHASIZED TO GOI ON SEVERAL OCCASIONS. HOWEVER, WE FEEL THAT CONDITIONS OF LIMITED OFFICIAL USE
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EMPLOYMENT REGULATIONS ALLOW, AT LEAST IN PRINCIPLE, FLEXIBILITY IN APPROACHING US CANDIDATES FOR PROFESSIONAL POSITIONS. IN PARTICULAR ARTICLE 4 OF THE "DECLARATION"

RELATING TO REGULATIONS (STEVE LETTER) SAYS THAT BSF EMPLOYEES ARE NOT CIVIL SERVANTS OF THE GOI; ARTICLE 3 ALLOWS THE BSF TO EXECUTE SPECIAL OR COLLECTIVE ARRANGEMENTS WITH RESPECT TO PROFESSIONAL STAFF WHICH HAVE NO COUNTERPART IN CIVIL SERVICE (E.G. DEPUTY DIRECTOR BSF); AND ARTICLE 1 MAKES THE APPOINTMENT OF BSF EMPLOYEES A BSF (NOT GOI) RESPONSIBILITY, USING THE SAME GUIDELINES AS FOR CIVIL SERVANTS, A PROCEDURE ALSO USED BY SOME AGENCIES IN THE US.

PARAS 3 AND 4 FYI.

3. QUESTION OF GUIDELINES FOR EMPLOYMENT GREW OUT OF INTERNAL GOI PROBLEM RELATED TO FACT THAT PROFESSIONAL BSF STAFF ARE PAID AT HIGHER UNIVERSITY SCALE AND NON-PROFESSIONAL STAFF AT LOWER GOI SCALE. IT HAD BEEN SUGGESTED AT ONE TIME THAT ALL SHOULD BE PAID AT HIGHER RATE. REGULATIONS DEAL WITH THIS BY ALLOWING "SPECIAL ARRANGEMENTS" FOR PROFESSIONAL STAFF AND TYING OTHERS TO CIVIL SVC SCALE, APPARENTLY TO ENSURE THAT NON-PROFESSIONAL JOBS DON'T COMPETE UNFAIRLY WITH CIVIL SVC OR CREATE PRECEDENTS.

4. ON SPECIFIC QUESTION OF US DEP. DIR. ISRAELI BOARD MEMBERS HAVE INSISTED SINCE BEGINNING THAT ISRAELI SALARY SCALE MUST BE USED SO AS TO AVOID DISCRIMINATION AS TO OTHER BSF PROFESSIONAL EMPLOYEES. AFTER SOME EARLY DEBATE US ACCEPTED THIS POSITION. OUR ASSUMPTION HAS BEEN THAT US CANDIDATE WOULD THEREFORE PROBABLY BE EITHER RETIRED OR HAVE SOME OTHER INCOME OR BE ALREADY RESIDENT IN ISRAEL AND ACCUSTOMED TO THE SCALE USED AT UNIVERSITIES. INGERSOLL

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